

# **EXHIBIT 1**

## **ZEPH CAPO'S Affidavit**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

HOUSTON FEDERATION OF TEACHERS, §  
TEXAS AMERICAN FEDERATION OF §  
TEACHERS, JACKIE ANDERSON, MAXIE §  
HOLLINGSWORTH, AND DANIEL §  
SANTOS, §

*Plaintiffs,*

v.

THE TEXAS EDUCATION AGENCY; MIKE §  
MORATH, COMMISSIONER OF §  
EDUCATION, in his official capacity, §

*Defendants.*

CAUSE NO. 5:20-CV-222-XR

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**ZEPH CAPO'S DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

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I, Zeph Capo, am over twenty-one years of age and am competent to make this declaration. I have never been convicted of a felony or a misdemeanor. I declare under penalty of perjury that the following facts are my own personal knowledge and are true and correct.

I am the President of Houston Federation of Teachers, Local 2415 (HFT), a labor union that represents employees employed by HISD. HFT's offices are at 2704 Sutherland St, Houston, Texas 77023. I started working as a union organizer on an organizing project for HFT in June 1998. Prior to that time, I was a certified classroom teacher. In 2000, I became a staff representative for HFT. In this role, I provided services to HFT members, such as representation on employment disputes and also performed organizing duties. I became the legislative director and vice-president for HFT in 2007 – 2008. In 2015, I was elected president of HFT. I still serve

in that capacity. In addition to my role as HFT president, I also serve as the president of its state affiliate, Texas AFT. I was elected president of Texas AFT in June 2019. In addition to my roles and responsibilities as president of HFT and president of Texas AFT, I also serve on the governing body for HFT's national affiliate, the American Federation of Teachers as a vice-president. I have been an AFT vice-president since 2016.

Through my years of service to HFT, I am quite familiar with the organization and the organization's interests and priorities. HFT is a voluntary labor union comprised of teachers, librarians, counselors, nurses, teaching assistants, and other employees of HISD. With membership over 6400, it is by far the largest employee organization in HISD. It is affiliated with Texas AFT on the state level, AFT at the national level, and the AFL-CIO. Most of the members of HFT are residents, voters, and taxpayers of HISD.

HFT advocates for the employment rights of its members and champions high quality public education, fairness, democracy, and economic opportunity for students, families, and communities. The HFT Constitution, a true and correct copy of which is attached and incorporated into this affidavit, identifies the purposes of the organization. According to the HFT Constitution, its purposes include bringing all teachers into a state of mutual assistance and cooperation, obtaining the rights to which teachers are entitled, raising the standards of the teaching profession by securing the working conditions essential to the best professional service, promotion of a democratization of the schools as will enable them to equip their students to take their places in the industrial, social, and political life of the community, and eliminating racism, sexism and discrimination in all their forms of education. *See Attachment A.*

In order to achieve its goals and serve its purposes, HFT has long promoted the education of its members on the importance of voting and assisting its members in electing representatives

who believe in and uphold their interests and the values of the union, including but not limited to representatives on the HISD school board. Since I have been employed by HFT, HFT has educated employees about the positions of various school board candidates and taken the message to its members that in electing school board members, they are electing their own bosses, since school board members vote on teacher contracts and benefits, as well as all manner of education and employment policies. HFT sends questionnaires to school board candidates and conducts candidate forums so that its members may learn their positions on education-related issues. In addition, the union expends resources from appropriate and legal sources associated with increasing voter turnout and fostering democratic values. For example, HFT organizes Educator to Voter campaigns, in which HFT members contact other educators to urge them to vote. The HFT participates in a robust canvassing, mail and phone contact operation within our own members, other members of the AFL-CIO and with the general public where legal and appropriate. Now with the TEA's actions attempting to take over HISD, HFT and Texas AFT will have to divert resources away from these existing programs to educate its members about the board of managers and to combat this direct attack against our members' voting rights.

HFT's expenditures and efforts are wasted when the elected leadership of the HISD board of trustees will be replaced with an unelected board of managers. The unelected board of managers will not be answerable to the voting members of HFT; instead, it will be answerable to only one individual, the Commissioner of Education. There will be no effective mechanism by which HFT members can hold unelected board members accountable for their actions, to the detriment of the interests of HFT members.

In addition, I have reviewed the costs associated with travel and lodging in relation to this litigation. I have extensive experience traveling from Houston to Austin and Houston to San

Antonio. Austin has higher hotel rates than San Antonio, especially near the federal courthouse and downtown. The rates for airline travel from Houston to Austin are equal or greater than the cost of flights from Houston to San Antonio. The cost of bus travel is roughly equal. The cost for taking the train from Houston to Austin is greater and takes far more time than it does from Houston to San Antonio. The travel by car is roughly equivalent in terms of mileage and time. All things considered, the litigation travel costs would be higher traveling to Austin than to San Antonio.

I declare under penalty of perjury that the foregoing declaration is true and correct.

May 8, 2020

Executed on (date)

Signature

Zeph Capo

Printed Name